

● OREGON SAFE EMPLOYMENT ACT

STATUTORY CITATION: Or. Rev. Stat. §§ 654.001 – 654.295

RELATED REGULATIONS: Or. Admin. R. 437-004-0001 – 437-004-9860

GENERAL SUMMARY: The Oregon Safe Employment Act requires all private employers in the state to provide their employees with a job and workplace which are safe and healthful, and to furnish and use whatever safeguards, practices and processes are reasonably necessary to protect the life, safety and health of the workforce. The Act confers broad authority on the state consumer and business services director to set standards to assure every covered employee a safe and healthful place of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the consumer and business services director has adopted workplace safety and health standards explicitly applicable to agricultural operations. Key elements of the standards most relevant to on-farm work activities in the field are summarized below.

SAFETY ORIENTATION FOR WORKERS — Before any seasonal farmworkers begin work for the first time, and whenever working conditions or locations change in a way that could affect their safety and health, their employer must provide an orientation meeting with the workers to review (1) on-the-job safety and health rules, (2) procedures workers should follow to contact supervisors or managers in case of accident, illness or other safety or health problems, (3) procedures for treating injured or sick workers and for summoning emergency assistance, and (4) the location of posted safety and health information. The orientation must be provided in a way that the workers can understand, implicitly including the use of languages other than English for workers with language barriers.

AGRICULTURE EQUIPMENT GUARDING — Employers must protect workers from coming into contact with hazards created by moving machinery, by installing and using prescribed guards, shields or other protective devices. At the time of initial assignment and at least once a year thereafter, employers are required to instruct every worker in the safe operation and servicing of any equipment with which the worker will be involved.

ROLL-OVER PROTECTIONS FOR TRACTORS — Agricultural tractors of more than 20 horsepower must be equipped with prescribed structures, as well as seat belts, to protect the driver from injury in the event of roll-over. Workers who operate tractors must be instructed in certain specified safe operating practices at the time they are first assigned tractor-related duties and at least once a year thereafter.

LADDERS — Ladders used in agricultural operations must be in sound condition; ladders with cracked or broken side rails, missing steps, loose hardware or braces, or similar defects may not be used. Portable stepladders must be equipped with a metal spreader or locking device strong enough to hold the ladder open. Orchard ladders longer than 16 feet are prohibited.

MEDICAL SERVICES AND FIRST AID — Every agricultural employer must have minimum prescribed first-aid supplies in proximity to all workers. Where workers handle corrosive chemical substances, or pesticide products labeled "Danger" or "Poison," the employer must provide an emergency eyewash or shower that meets prescribed standards for decontamination. The employer must also develop an emergency medical plan, under which seriously ill or injured workers can get timely medical attention.

SPECIAL NOTES OR ADVISORIES

LIMITATION ON AGRICULTURAL INSPECTIONS — Agricultural employers with 10 or fewer permanent, year-round employees (both full-time and part-time) are subject to scheduled inspections only if (1) a valid complaint of a violation of the Safe Employment Act has been filed against the employer, or (2) there has been a death or serious disabling injury at the employer's agricultural workplace within the preceding 2 years due to a violation of the Act, or (3) the employer and principal supervisors at the workplace have not completed at least 4 hours of documented instruction on agricultural safety and health procedures each year.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Any worker who has been subjected to retaliatory treatment may file a complaint with the Bureau of Labor and Industries at any time within 90 days after learning of the alleged violation. A complaint of this nature is processed by the Bureau as if it were a complaint charging unlawful employment discrimination under the state civil rights laws.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689).* Oregon OSHA is responsible for assuring employer compliance with the Act and the regulations, standards and orders issued thereunder. In response to a valid worker complaint, representatives of the agency are authorized to enter and inspect workplaces in the state, and to cite employers found in violation. Non-compliance with an applicable standard or an Oregon OSHA order may result in assessment of a civil money penalty and, for certain serious infractions, criminal prosecution. In addition, the agency may use a red warning notice to prohibit the use of any hazardous machine, device or place of employment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844).* In exercising its inspection authority under other statutory

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provisions, the Bureau must report to Oregon OSHA any violation of the occupational safety or health laws encountered at any place of employment, farm labor camp, field or facility inspected by the Bureau. This agency is also responsible for enforcing the anti-retaliation provision noted above (*Civil Rights Division, 971-673-0764*).